Supreme Court, U.S.
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No. _____

In The

Supreme Court of the United States

WAYNE PERRYMAN ON BEHALF OF HIMSELF AND THE AFRICAN AMERICAN CITIZENS OF THE UNITED STATES,

Petitioner,

v.

DEMOCRATIC NATIONAL COMMITTEE AND NATIONAL DEMOCRATIC PARTY,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Did the court err when it ignored *Cort v. Ash,* 422 U.S. 66 (1975), which, in civil matters, gives a citizen the right to file a private cause of action in order to secure a *remedy* under 18 U.S.C. § 610?

2. Did the court err when it determined that the Petitioner's injuries "*Stem from* ***the injury*** *inflicted on the entire African American Community 200 years ago,*" but failed to recognize that the evidence presented in this case did not refer to ***one injury*** or one event that occurred 200 years ago, but rather the *collective* ongoing series of racist practices that were inflicted on the Petitioner and the *entire African American community over a 200-year period*, more specifically from 1792 to 2002?

3. Did the court err when it failed to grant the Petitioner "*standing,*" when the evidence proved the Petitioner met all of the legal requirements of *Lujan v. Defenders of Wildlife,* 504 U.S. at 560, including tracing the injuries of the *entire African American Community* to the Respondent's past racist practices and policies?

4. If the Petitioner's injury is the same injury that the entire class of which he is a member has suffered during the past 200 years, can the court consider the ***collective*** injuries of the entire class to establish *standing*, in a case that is seeking an apology on behalf of that class?

PARTIES TO THE PROCEEDING

Democratic National Committee and National Democratic Party

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CITATIONS OF REPORTS AND OPINIONS ENTERED IN THE CASE

Wayne Perryman on behalf of himself and the African American Citizens of the *United States v. Democratic National Committee: National Democratic Party* Fed. R. App. P. 34(a)(2) (9th Cir. December 27, 2006). Appendix 1.

BASIS FOR SUPREME COURT JURISDICTION

The Judgment of the Ninth Circuit Court of Appeals was entered on December 27, 2006 (Fed. R. App. P. 34(a)(2)) The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1). The present petition is timely filed under 28 U.S.C. § 2101(c) and under Rule 13.3 of this court.

The court has jurisdiction under 28 U.S.C. § 1254(1) and 18 U.S.C. § 610 to review on a writ of certiorari the judgment of the federal court of appeals.

CONSTITUTIONAL PROVISION

This case is submitted under the provisions of the Constitution of the United States' Fourteenth Amendment, Equal Protection Clause.

STATEMENT OF THE CASE

On March 5, 2004, the Petitioner sent a letter to the Democratic National Committee (DNC) seeking an apology on behalf the African American community for their past racist practices. After receiving no response, the Petitioner filed the first class action case against the DNC on December 10, 2004, Case No. CV 04-2442. The Honorable Marsha J. Pechman dismissed the case on April 5, 2005 without prejudice. On April 15, 2005, the Petitioner filed for an Injunctive Relief, seeking only an apology and no monetary damages, Case No. CV 05-0722C. On July 22, 2005, the Honorable John C. Coughenour dismissed the case due to the lack of "*standing*." The Petitioner filed a

Motion for Reconsideration & Revision of the order. Motion was denied on August 9, 2005. Petitioner appealed the decision to the Ninth Circuit Court of Appeals on August 29, 2005. The Ninth Circuit Court of Appeals ***affirmed*** the lower court's decision on December 27, 2006.

INTRODUCTION

The Respondent's past racist practices which caused injury to the entire African American community during the past 200 years, had a broad range of support, including support from the very court that is currently reviewing this case. It was the United States Supreme Court's decisions in key civil rights cases that gave the Respondent (the Democratic Party) the legal authority to inflict the alleged injuries on those whom the District Court referred to as the "*entire African American community.*" Those cases include, but are not limited to, the *Dred Scott Decision* (*Scott v. Sandford*, 60 U.S. 393 (1856)), the *Slaughter-House Cases*, *Plessy v. Ferguson* and the *Civil Rights Cases of 1881* that convinced the court that the 1875 Civil Rights Act was unconstitutional (*Civil Rights Cases*, 109 U.S. 3 (1881)).

In his book the "Statutory History of the United States: Civil Rights Vol. I, Vol. II, Professor Bernard Schwartz of New York University School of Law provides an example of how discrimination against the Negro was sanctioned by the Supreme Court. Professor Schwartz said:

> *"The Fourteenth Amendment provision designed directly to prevent discrimination against the emancipated race was the equal protection clause. In Plessy v. Ferguson,* 163 U.S. 537 (1896), *however, the Supreme Court construed that clause in a manner which enabled discrimination against the Negro to be condoned by law. . . . Plessy v. Ferguson gave the lie to the American ideal, so eloquently stated by Justice John Harlan in dissent there: "**Our Constitution is color-blind, and neither knows nor tolerates classes among citizens.**" " . . . Upon Plessy was built the whole*

> *structure of segregation that has been at the heart of the* [Democrat's] *Southern system of racial discrimination. So much was, indeed, conceded by the Supreme Court itself, including the 1873 Slaughter-House Cases*, 16 Wall. 36 (1873)." p. 360.

In writing the opinion for the court in *Brown v. Board of Education*, Chief Justice Warren addresses how the Court's ***separate but equal decision*** affected African American children. In that opinion, he wrote:

> *"To separate them* [black children] *from other children of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The effect of this separation in their educational opportunities was well stated by the finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro Plaintiff."*

Before rendering the decision in the Kansas case, the court issued the following statement:

> *"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to [retard] the educational and mental development of negro children and to deprive them of some of the benefits they would receive in a racial[ly] integrated school system."* p. 364.

In the *Slaughter-House Cases* and other subsequent cases including *Plessy v. Ferguson*, it was the court's narrow interpretation of the Fourteenth Amendment that allowed many racist practices to go unchallenged and

unpunished under what the Democrat's claimed as State's Rights, including their right to own slaves and treat them as property and not as people. In recent years, the court has made great efforts to reverse those decisions with such cases as: *Brown v. Board of Education,* but the damage was already done. Now the court is faced with another interpretation of the law which could have a profound impact on the African American community. Will it (as it did with its narrow interpretation of the Fourteenth Amendment) revert back to the days of the *Slaughter-House Cases* and give a narrow interpretation of what is an ***"injury in fact"*** and discount the collective injuries of the *entire African American community*, injuries that resulted from the Respondent's racist practices?

The evidence presented in this case cannot begin to tell the full story of the atrocities that were committed by the Respondent. It would take volumes to give an accurate depiction of what really took place during the past 200 years. If the court finds that the injuries inflicted on the *entire African American community* during the past 200 years are not *injuries in fact*, it would be very difficult for any reasonable person to ascertain, what constitutes an *'injury.'*

Racism in America was politically driven. Without the political backing of those who made up and formed the powerful Democratic Party, a Party that gave their lives and spent billions to preserve the institution of slavery and the system of Jim Crow, slavery would have ended 100 years earlier and Jim Crow would have died in the womb of those who conceived it. Contrary to public opinion, racism ***was not*** something that the entire white race engaged in. Racism was the political agenda of a political party – made up of individuals who chose to use this deadly disease to cover their own insecurities – in their relentless quest for wealth and power.

NINTH CIRCUIT OPINION AFFIRMED

On December 21, 2006, in the matter of *Wayne Perryman on behalf of himself and African American*

Citizens of the United States v. Democratic National Committee: National Democratic Party (Case No. 05-35890), the Ninth Circuit Court of Appeals ***affirmed*** the decision of the United States District Court of Western Washington (in Case No. CV 05-00722-JCC). On July 22, 2005, the District Court decided that the Petitioner lacked *standing* because his alleged injuries:

- ***"Stem from the injury inflicted on all African Americans over two-hundred years ago and affect the entire African American community."***

ARGUMENTS

After reviewing all the evidence, the lower court, the Respondent and the Ninth Circuit Court of Appeals all stipulated that the Petitioner had been "*injured,*" but felt his "*injury stem from* ***the injury*** *inflicted on African Americans 200 years ago and affect the entire African American community.*" The court's statement suggests or implies that 200 years ago one single event in history caused "**the injury**." But what the court failed to recognize is that the evidence presented this case did not refer to one injury or a single event in history 200 years ago, but rather a series of court decisions and racist acts from 1792 to 2002 that collectively *injured* the *entire African American community.*

Petitioner's legal grounds to secure an Injunctive Relief

While basing their decision on *Cato v. United States,* 70 F.3d 1103, 1109 (9th Cir. 1995), *African-American Slave Descendant Litig.*, 304 F. Supp. 2d 1027, 1052 (N.D. Ill. 2004) and *Lujan v. Defenders of Wildlife,* 504 U.S. at 560, the court erred when it ignored *Cort v. Ash,* 422 U.S. 66 (1975) which, in civil matters, gives a citizen the right to file a private cause of action in order to obtain a *remedy* under 18 U.S.C. § 610.

The Petitioner in this case is a *citizen* and a member of the African American community. He is seeking to *secure* an *Injunctive Relief* in a private cause of action involving a civil matter under 18 U.S.C. § 610 (as in the Bethlehem case of *Cort v. Ash*). In ***Cort v. Ash***, the court decided that:

- ***A private cause of action, whether brought by a citizen to secure injunctive relief or by a stockholder to secure injunctive or derivative damage relief [is] proper to remedy violation 610 under 18 U.S.C. § 610. Id., at 424, We granted certiorari, 419 U.S. 992 (1974)***

Perryman Case Differs From Cases Cited by the Court

The court also erred when it compared the current case with those cited in its decision. A careful review of the cases cited by the court will reveal that the only similarities between those cases and the case that is currently before this court, is that both involve African Americans.

Cato v. United States and the *African American Slave Descendant Cases* were based ***solely*** on the events surrounding ***slavery*** and the ***subjective unproven injuries*** that the Plaintiffs believed resulted from slavery. There was also a question regarding how to determine who was injured. The case that is currently before this court ***is not*** based on slavery or the subjective injuries resulting from slavery. Although it includes or starts with slavery, it concentrates and focuses on the subsequent events that followed slavery in order to establish a *pattern of practice*. Additionally, in the current case there was never a question as to whether or not the "*entire African American community*" (of which the Petitioner is a member) had been injured by these racist practices. In several landmark decisions and legislative mandates, the courts, Congress, historians and social scientists have all agreed that the racist practices that followed slavery have had a profound

negative impact on the "*entire African American community.*" They also agree that such practices can be traced to the Democratic Party's policies and practices (the party that was commonly referred to as the *Party of White Supremacy*). In contrast, in *Cato v. United States* and the *African American Slave Descendant Cases*, the Plaintiffs (1) failed to provide evidence to prove that the racist practices that followed slavery resulted from the residual effects of slavery or that such practices could be traced to the Defendants; (2) nor could they prove that the Defendants actually owned slaves.

The lower court also cited the *Lujan v. Defenders of Wildlife* case in deciding that the Appellant did not have "***standing***." The court stated that the Petitioner's injuries were "***generalized***" and the same as those suffered by ***the entire African American community***; thus implying that the collective *injuries to the entire African American community during the past 200 years* were either insignificant or non-existent. In the *Lujan case*, no injuries had occurred at the time of trial. The entire case (*Lujan*) was based on injuries that **may occur** sometime in the future if the extinction of certain endangered species actually took place. To compare the current case with either *Lujan* where there were no injuries, or to *Cato* and the *Slave Descendant* case which failed to show any direct relationship between slavery and the modern-day practices of racism, is to imply or suggest that: (1) the ***African American community*** *was not grossly injured* by the Democrat's racist practices; or (2) that there was no relationship between the Democrat's past racist policies and practices and the injuries suffered by the ***entire African American community***.

Racist acts can be traced to the Respondent (Democrats)

The Petitioner is not trying to establish *standing* based on injuries that may occur sometime in the future (as in *Lujan*), nor is he attempting to tie the injuries of

racism to slavery (as in the cases of *Cato and the African American Descendant case*). Additionally, unlike the Plaintiffs in the *slave reparation cases*, the Petitioner is not attempting to establish *standing* based on the profits of U.S. Corporations or by genealogy association. The Petitioner in this case has provided irrefutable evidence (including the Respondent's own published political platforms from 1844 to 1892) which proves that the injuries suffered by the *entire African Americans community during the past 200 years* (of which the Petitioner is a member) can be traced to the Democratic Party. The evidence submitted reveals the following:

> Democrats as a political party supported slavery and gave their lives to preserve the institution of slavery as indicated in their **Platform of 1844** which said: *Congress has no power to interfere with or control the domestic institutions of the several States; and that such States are the sole and proper judges of everything pertaining to their own affairs. . . . That all efforts, by **abolitionist** and others, made to induce Congress to interfere with **questions of slavery** . . . are calculated to lead to the most alarming and dangerous consequences.*
>
> Democrats as a political party promoted, supported and sponsored Fugitive Slave Laws as indicated in their Platforms of 1852, 1856 & 1860 which stated the following: **[1852]** *Resolved: That the forgoing proposition covers and was intended to embrace, the whole subject of slavery agitation in Congress; and therefore the **Democratic Party** of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the compromise measures* [referring to the Missouri Compromise to expand slavery] *and the acts **for reclaiming***

> ***fugitives*** *from service or labor. The Democratic Party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made.* **[1856]** *Resolved, That we reiterate with renewed energy of purpose the well considered declaration of former Conventions upon the sectional issue of* ***Domestic slavery,*** *and concerning the reserve rights of the States.* **[1860]** Resolved *"That the enactments of the State Legislatures to defeat the faithful execution of the* ***Fugitive Slave law****, are hostile in character, subversive of the Constitution, and revolutionary in their effect . . . "*

Democrats as a political party promoted, supported, and fought for the decision in the *Dred Scott Case,* a decision that classified blacks as property and not as people. After the decision, the following was placed in their **1860 Platform**: *"Resolved, That the Democratic Party will abide by the decision of the United States Supreme Court. . . ."* Historian David Barton reported that the Democratic Party was so pleased with the outcome of the *Dred Scott Case* that they printed several copies of the decision and distributed them to the public during their 1860 Presidential campaign.

Democrats as a political party successfully promoted and supported the *Slaughter-House Cases* to nullify the Fourteenth Amendment. These cases originated out of the state of Louisiana. At the time, Louisiana was a violent Democratic stronghold (see letter from New Orleans later in the brief).

Democrats as a political party promoted and supported Judge John Ferguson (Democrat) in the case of *Plessy v. Ferguson* to preserve their system of segregation. In this brief, we will provide evidence to prove that Democrats established segregation through legislation (Jim Crow laws), litigation (*Plessy v. Ferguson*) and by assassinations and intimidations (via Ku Klux Klan).

In an effort to continue their long history of denying black children a quality education, Democrats as a political party, opposed the decision in *Brown v. the Board of Education of Topeka Kansas*. History Professor, James McPherson of Princeton University revealed such efforts in his book: The Abolitionist Legacy From Reconstruction to the NAACP. Professor McPherson said: "*Southern hostility to Yankee teachers sometimes went beyond ostracism and verbal abuse. In times of political excitement during Reconstruction many missionaries were threatened, beaten, and murdered. The American Missionary Association tried for several years to cooperate with local school boards* [of the south]. *So long as Republicans were in power this arrangement worked out reasonably well. But when the Democrats began to regain control of the South the dual support foundered and eventually collapsed. . . . The 1874 elections were a particularly tense time; as one teacher put it, to be for weeks in a constant expectation* ***of being murdered*** *or burned out, and without losing faith in God, is something of a strain on the nerves. . . .*"

Democrats as a political party consistently opposed anti-lynching legislations. Many of the lynchings that these laws were designed to put an end to were attended by Democratic Senators, Congressmen, governors, judges, sheriffs and mayors. In the book Without Sanctuary, (with the Foreword written by our current Democratic Congressman, John Lewis), it details several lynchings that were attended by Democratic officials. The following are two lynchings covered in the book: the lynching of Sam Hose and Mary Turner. Both are very typical of the 5,000-plus documented lynchings that took place in the Democrat's Jim Crow south where 95% of the black population resided.

a. "***After stripping Hose of his clothes and chaining him to a tree, the self-appointed executioners stacked kerosene-soaked wood high around him. Before saturating Hose with oil and applying the torch, they cut off his ears, fingers, and genitals, and skinned***

his face. While some in the crowd plunged knives into the victims flesh, others watched with unfeigning satisfaction, the contortions of Sam Hose's body as flames rose, distorting his features, causing his eyes to bulge out of their sockets and rupturing his veins. The only sounds that came from the victim's lips, even as his blood sizzled in the fire. were, "Oh my God! Oh, Jesus." Before Hose's body had even cooled, his heart and liver were removed and cut into several pieces and his bones were crushed into small particles. The crowd fought over these souvenirs. Shortly after the lynching, one of the participants reportedly left for the state capitol, hoping to deliver a slice of Sam Hose's heart to the Democratic governor of Georgia, who would call Sam Hose's deeds, "the most diabolical in the annals of crime."

b. [Marry Turner] ***"After tying her ankles together, they hung her from a tree, head downward. Dousing her clothes with gasoline, and burned them [the clothes] from her body. While she was still alive, someone used a knife ordinarily reserved for splitting hogs to cut open the woman's abdomen. The baby fell from her womb to the ground and cried briefly, whereupon a member of the [terrorist] mob crushed the baby's head beneath his heel. Hundreds of bullets were then fired into Mary Turner's body. . . ."***

Democrats as a political party opposed the 1871 Ku Klux Klan Act. The Act was designed to stop Klan activities (see portions of the debates on the Act later in the brief).

Democrats as a political party consistently opposed every piece of Civil Rights legislation introduced from 1863 to 1965 including opposing the Thirteenth, Fourteenth and Fifteenth Amendments as indicated in their

1872 Platform which stated: *"We pledge ourselves to oppose any reopening of the questions* [regarding our Party's compliance with] *the thirteenth, fourteenth and fifteenth Amendments."* See Democrat's debates opposing the passage of Thirteenth, Fourteenth and Fifteenth Amendments further in the brief.

Democrats as a political party opposed the 1867 Reconstruction Act and fought to destroy Reconstruction as stated in their **1868 Platform** which asked for: *"The abolition of the Freedman's Bureau: and all political instrumentalities designed to secure Negro Supremacy."* The **Platform of 1868** also praised President Andrew Johnson for his efforts in vetoing the 1866 Civil Rights Act and Senate Bill 60, the Reparation Bill to give blacks 40 acres of land. For his efforts to deny African Americans their constitutional rights as citizens of the United States, the Party placed the following commendation in their 1868 Platform:

> *" . . . And we do declare and resolve that the President of the United States, Andrew Johnson, in exercising the power of his high office in resisting the aggressions of Congress upon the Constitutional rights of the States and the people, is entitled to the gratitude of the whole American people; and in behalf of the* ***Democratic Party,*** *we tender him our thanks for his patriotic efforts in that regards."*

Democrats as a political party opposed the 1875 Civil Rights Act. In their **1876 Platform** they stated the following: *"We denounce the resumption clause of the Act of 1875 and we here demand its repeal."* The Democratic Party used their Platform of 1876 to denounce the passage of the 1875 Civil Rights Act, but they chose not to denounce their new Jim Crow Laws that were legislated during that same year (1875), in regions where over 95% of the black population resided.

Democrats as a political party introduced and passed The Repeal Act of 1894 shortly after they took over Congress. The

Repeal Act was designed to overturn portions of previous Civil Rights legislation.

Democrats had outspoken powerful leaders that openly shared their racist vision and philosophy. Their racist statements and philosophy earned them the title of the *"Party of White Supremacy."* The following are a few examples of statements taken from Congressional Records and from the chronicles of history.

- On April 29, 1861 President Jefferson Davis told his Democratic supporters that: *"Under the supervision of* ***the superior race****, their [**blacks'**] labor had been so directed not only to allow a gradual and marked amelioration of their own condition, but to convert hundreds of thousands of square miles of wilderness into cultivated lands covered with a prosperous people; towns and cities had sprung into existence, and had rapidly increased in wealth and population under the social system of the South . . . ; which the labor* ***of African slaves was and is indispensable. . . .****"*
- Speaking for the Democratic Party, Democratic Congressman Fernando Wood of New York presented the following argument in their opposition to the passage of the **Thirteenth Amendment**. Woods told Congress: *"The proposed Amendment to abolish slavery in the states of the Union is unjust, a breach of good faith and utterly irreconcilable . . . It involves* ***the extermination of all white men of the southern States,*** *and the forfeiture of all the land and other property belonging to them. Negroes and military colonist will take the place of the race [that will be] blotted out of existence."*
- Regarding the **Fourteenth Amendment** Democratic Congressman Andrew Rogers from New Jersey said, the proposed Amendment was *" . . . An attempt to in-graft upon the Constitution of the United States one of the most dangerous, most*

wicked, most intolerant, and most outrageous propositions ever introduced into this house. God save the people of the South from degradation by which they would be obliged to go to the polls and vote side by side with the Negro!"

- Speaking for the Democrats on the **Fifteenth Amendment**, Congressman Thomas Hendricks said, *"I do not believe that the Negro race and the white race can mingle in the exercise of political power and bring good results to society. . . . There is a difference not only in their physical appearance and conformation, but there is a difference morally and intellectually, and I do not believe that the two races can mingle successfully in the management of government. I do not believe that they will add to the common intelligence of the country when we make them voters."*
- During the debates on the **Ku Klux Klan Act of 1871** Senator William Stoughton, the Republican from Michigan said: *"The evidence taken before the Senate committee in relations to the outrages, lawlessness and violence in North Carolina establishes the following propositions: The Ku Klux Klan organization exists throughout the State, has a **political purpose**, and is composed of the members of the **Democratic** or Conservative Party. This organization has sought to carry out its purposes by murders, whippings, intimidation, and violence against it opponents. It not only binds its members to execute decrees of crime, but protects them against conviction and punishment. All of the offenders in this order, which has established **reign of terrorism** and bloodshed throughout the State – not one has yet been convicted." "We may concede, Mr. Speaker, that if this system of violence is to continue in the South, the **Democratic Party** will secure the ascendancy. . . ."*
- During the debates on the **1875 Civil Rights Act**, Democratic Congressman Willard Saulsbury from Delaware argued this bill was designed so:

"That colored men shall sit at the same table beside the white guest, that he shall enter the same parlor and take his seat beside the wife and daughter of the white man, whether the white man is willing or not, because you prohibit discrimination against him. . . ."

- During the 1868 Presidential Campaign, Democrats publicly referred to Republicans as ***"Nigger Lovers"*** and proudly displayed their campaign posters which said: ***"This is a White Man's Country - Let The White Men Rule."***
- In 1898 during a major election in Wilmington, North Carolina, the Democrat's campaign slogan was one word, ***"Nigger."***
- Senator Ben Tillman of South Carolina told America: *"We reorganized the* ***Democratic Party*** *with one plank, and the only plank, namely,* ***that this is a white man's country, and white men must govern it.***" On March 23, 1909 Tillman told the United States Senate that he defended violence against black men, claiming that "*southern white women will not submit to the black man gratifying his lust on our wives and daughters without lynching him.*"
- Senator James K. Vardman (1913), another powerful Democratic Senator from Mississippi said: *"I am just as opposed to the Negro educator, Booker T. Washington as a voter, with all his Anglo-Saxon re-enforcement's, as I am to the coconut-headed, chocolate-colored, typical little coon, Andy Dotson, who blacks my shoes every morning."*[1]

[Note: The Plaintiff's 100-page original brief to the District Court included several more pages of citations from Congressional Records along with (video) history documentaries from PBS and the History Channel]

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[1] Black Americans p. 59.

Our United States Senate also records the racist practices of Democrats. Those records include the Senate's investigations of voting irregularities in areas controlled by Democrats (the South). The investigations became a part of *Senate Report No. 579* of the 48th Congress in 1871. On November 1, 1871, John Childers of Livingston, Alabama was interviewed by a member of the Senate Select Committee. The following is a portion of his interview as documented by Herbert Aptheker (in his book, Documentary History of The Negro People In the United States Vol. 2:

> Question: *Did you ever hear any threats made by* ***Democrats*** *against Negroes of what would be done* [to him] *if he voted the radical* [meaning Republican] *ticket?*
>
> Answer: *I have had threats on myself. I can tell them.*
>
> Question: *What kind of threats were made to you?*
>
> Answer: *I have had threats that if we all would vote the* ***Democratic ticket*** *we would be well thought of, and the white men of the county – the old citizens of the county – would protect us; and every struggle or trouble we got into we could apply to them for protection, and they would assist us.*
>
> Question: *Where did you hear that said?*
>
> Answer: *I have heard it often. At the last election it was given to me. There was a man standing here in the court-house door; when I started to the ballot-box he told me he had a coffin already made for me, because he thought I was going to vote the radical* [meaning Republican] *ticket. . . .*

In Democrat's **1892 Platform** they voiced strong opposition to federal intervention into the voting practices of the South. Their Platform stated that the Party was opposed to ***"Federal control of elections and Deputy Marshals at every polling place."***

In 1888, several black ministers from New Orleans came together and wrote a letter to Congress. The following is a portion of that letter:

To the People of the United States:

"We, citizens of New Orleans, as well as of neighboring parishes, from which we have been driven away without warrant or law, assembled in mass meeting at New Orleans, La, on Wednesday, August 22, 1888 at Geddes Hall, declare and assert: That ***a reign of terror exists*** *in many parts of the state; that the laws are suspended and the officers of the government,* ***from the governor down****, afford no protection to the lives and property of the people against armed bodies of whites, who shed innocent blood and commit deeds of savagery unsurpassed in the dark ages of mankind.*

For the past twelve years we have been most effectively disfranchised and robbed of our political rights. While denied the privilege in many places of voting for the party and candidates of our choice, acts of violence have been committed to compel us to vote against the dictates of our conscience for the ***Democratic Party****, and the Republican ballots cast by us have been counted for the Democratic candidates. The press, the pulpit, the commercial organizations,* ***and executive authority of the State*** *have given both open and silent approval of all these crimes. In addition to these methods, there seems to be a deep scheme to reduce the Negroes of the State to a condition of abject serfdom and peonage.*

These acts are done in deliberate defiance of the Constitution and the laws of the United States, which are so thoroughly nullified that the Negroes who bore arms in defense of the Union have no protection or shelter from them within the borders of Louisiana. During the past twelve months

our people have suffered from the lawless regulators as never before and since the carnival of bloodshed conducted by the ***Democratic Party*** *in 1868.*

A single volume would scarcely afford sufficient space to enumerate the outrage our people have suffered, and are daily suffering at the hand of their oppressors. They are flagrantly deprived of every right guaranteed them by the Constitution. . . ."[2]

In the book, The Party of the People: A History of the Democrats (2003), author Jules Witcover sums it up this way: "*Forcing black suffrage on the South, however was, anathema to many Northern Democrats. They assured their Southern brethren that they had supported the war to preserve the union only, not to give blacks equal rights with whites.*" p. 228.

Democrats Opposition to Civil Rights Legislation of the 1960's

The strongest opposition to the passage of the 1964 Civil Rights Act and the Voting Rights Act of 1965 came from the Democratic Party. The debates on the 1964 Civil Rights Act lasted over 80 days and took up some 7,000 pages of congressional records. It also resulted in the longest filibuster in U.S. Senate history, led by Senator Al Gore Sr. The following are just a few of the many Democrats who opposed both the 1964 Civil Rights Acts and the Voting Rights Acts of 1965 as recorded in the congressional records and reported in the book, The Statutory History of the United States: Civil Rights Vol. I & II, by Professor Bernard Schwartz of New York University School of Law.

Thomas Abernethy a Democrat from Mississippi, argued, "*If enacted*, [the 1964 Civil Rights Act] *it is certain*

[2] Documentary History of The Negro People Vol.2 pp. 741-743.

to precipitate a tremendous upheaval in our society, but not the kind of upheaval that proponents apparently expect. I predict it will precipitate an upheaval that will make the sit-ins, kneel-ins, lie-ins, mass picketing, chanting, the march on Washington, and all other elements of the ***so-called Negro revolutions****, all of these – I predict – will look like kindergarten play. . . ."*

Howard Smith, a Democrat from Virginia added the following arguments: *"In a few minutes, you will vote this monstrous instrument of oppression upon all of the American People. . . . Be forewarned that the paid agents and leaders of the* ***NAACP*** *can never permit this law to be gradually and peacefully accepted because that means an end to their well-paid activities."*

Olin Johnston the Democrat from South Carolina argued, *"Mr. President, this is indeed the blackest day in the U.S. Senate since 1875, when the Congress passed a civil rights bill similar to this one. It was 89 years ago that the [Republican] Congress passed the nefarious Reconstruction era civil rights laws, identical with what we are now discussing, which were later declared unconstitutional by the U.S. Supreme Court. The Senate, if it passes this measure before us, will be compounding that unconstitutional error made back in 1875. . . ."*

The following are a few of the many comments made by Democrats on the **1965 Voting Rights Act**:

> **Sam Ervin**, *"This bill contains a provision which condemns without judicial trial the States of Alabama, Mississippi, Louisiana, Georgia, South Carolina and Virginia and 34 counties in North Carolina; does it not?"*
>
> **Herman Talmadge Democrat from Georgia**: *" . . . Would not the bill deny to the States of Louisiana, Alabama, Mississippi, Georgia, North Carolina, and certain carefully selected counties in other areas the right to apply any literacy standards whatsoever for their voters?"*

Regarding literacy test, Republican, **Jacob Javits responded**:

> *"Think of the situation, for example in Mississippi, where whites are asked to interpret the following provision of the State Constitution: The Senate shall consist of Members chosen every 4 years by the qualified electors of the several districts. Negroes are asked to interpret sections of the Constitution dealing with tax exemptions, the judicial sale of land, eminent domain, concurrent jurisdiction of chancery and circuit courts and habeas corpus. [And] What about deprivation going back for a century, which inhered in segregated schools resulting in a median education level of the sixth grade for Negroes in Mississippi, as compared with an 11th grade median for whites?* ***Then there is the intimidation by public officials; there are the bombings and shooting, the burnings, the beatings; and quite apart from them****, the denial of surplus food to Negroes who persist in their attempt to register, as in Humphreys County, Miss.; or the boycotting of Negroes who had the temerity to register by cutting off their bank loans and their grocery store credit."*

Democrats and their Klan Connection

In rendering its opinion in the *African American Slave Descendant Case*, the court cited the works of the renowned historian, Professor James McPherson of Princeton University and his book: The Battle Cry of Freedom. In the Petitioner's brief, he also cited Professor McPherson and other renowned history professors, all of whom support the allegations that the racist practices alleged in this case not only injured the entire ***African American community***, they can all be traced to the Democratic Party. Those scholars include: Professor James M. McPherson of Princeton University, Professor John Hope Franklin of Brooklyn College, Professor David Hebert Donald of Harvard, and Professor Allen W. Trelease of Harvard. These historians report, that after the Civil War,

when Republicans passed various laws and developed a number of social programs (such as the Freedmen's Bureau) to assist blacks, the Democrats became very angry and resentful. From their deep-seeded anger several terrorist organizations were born – and in their efforts to gain the upper hand, the Democrats became the "*daddy*" of the Ku Klux Klan. The scholars of the Encyclopedia Britannica reported that:

- *"The **Democrat's** resentment led to the **formation** of the secret terroristic organizations such as the Ku Klux Klan and the Knight of the White Camelia. The use of fraud, violence and intimidation helped Southern conservatives regain control of their state governments, by the time the last federal troops had been withdrawn in 1877, the Democratic Party was back in power."*[3]
- Professor Allen Trelease in his book: Reconstruction: The Great Experience said: "*Klansmen in disguise rode through Negro neighborhoods at night warning Negroes either to cast **Democratic** ballots or stay away from the poll. The Klan also sent notices to Republican office holders, warning them of death and telling them to either resign or leave the vicinity. Similar notices went to active Republicans of both races and often to the teachers of Negro schools as well. Klan activities created a reign of **terror** in many localities and sometimes had the desired effect of demoralizing Negroes and Republicans. . . . Republicans of both races were threatened, beaten, shot, and murdered with impunity. In some areas Negroes stopped voting or voted the **Democrat** ticket as the Klan demanded. . . .*"
- Professors John Hope Franklin and Alfred Moss, authors of From Slavery To Freedom, tell us that, "*The Camelias and the Klan were the most*

[3] 1992 Encyclopaedia Britannica p. 979.

powerful of the secret orders. Armed with guns, swords, or other weapons, their members patrolled some parts of the South day and night. They used intimidation, force, ostracism in business and society, bribery at the polls, arson, and even murder to accomplish their deed. Depriving the Negro of political equality became, to them, a holy crusade in which a noble end justified any means. Negroes were run out of communities if they disobeyed orders to desist from voting; and the more resolute and therefore insubordinate blacks were whipped, maimed, and hanged. . . . For many white Southerners violence was still the surest means of keeping the Negroes politically impotent, and in countless communities they were not allowed, under penalties of reprisals, to show their faces in town on Election Day. It had looked as though the Civil War would break out anew as the ***Democrats resorted to every possible device to over throw the radicals.***[4] Professor Franklin went on to say, *The personal indignities inflicted upon Negroes were so varied and so numerous as to defy classification or enumeration. . . .*"[5]

- In his book, The Abolitionist Legacy, Professor James McPherson reported, "*In 1873, Louisiana became almost a synonym for chaos and violence. When Grant sent federal troops to install Kellogg in office* [as governor], ***Louisiana Democrats*** *were infuriated. They formed White Leagues which attacked black and white Republicans and took scores of lives.*"[6]
- From his book entitled Charles Sumner, Har vard Professor David Hebert Donald reached the

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[4] Reconstruction – The Great Experience, pp. 226-233.

[5] Reconstruction After The Civil War, p. 157.

[6] The Abolitionist Legacy, p. 40.

following conclusion: "*Congress could give the Negro the vote, but all over the South the Ku Klux Klan and other terrorist organizations systematically intimidated the freedmen, flogged or slaughtered their leaders and drove whites who worked with them into exile. Congress could require federal troops to supervise the registration of voters, but Negroes were waylaid and butchered on the roads to the registration offices. Congress could suppress outright violence by military force, but it could do nothing to protect Negroes from landlords who told them bluntly: If you vote with that Yankee* [Republican] *party you shall not live on our land.*"[7]

When the federal government launched various investigations to prosecute those who committed these horrific acts of terror, elected officials from the Democratic Party including Democratic governors, judges, mayors, sheriffs, state legislators and U.S. Senators exhausted every means to block their investigations. Loyal members of the Democratic Party were too loyal to cooperate with the investigations and with rare exception, most African Americans who witnessed the horrific atrocities – were too frightened to cooperate and testify.

Fear Through Terrorism

History records that it was only in those southern regions controlled by Democrats, that middle class black towns and communities were burned to the ground. Towns like Wilmington, North Carolina; Rosewood, Florida; and the Greenwood District of Tulsa, Oklahoma to name a few. Fear and terror were the ultimate goals of the Democrats and their terrorist organizations. They would terrorize and brutalize blacks so that **the infectious fear of whites** would be passed on to other blacks. It was also passed on

[7] Charles Sumner, p. 420.

to children through their protective parents, thus making black parents "**Innocent Agents**" of the Democrat's racist agenda **to keep blacks in their place**. See *Smith v. State*, 21 Tex.App. 107, 17 S.W. 552 (1886); *State v. Carr*, 28 Or. 389, 42 P. 215 (1895), regarding **Innocent Agents.**

The Petitioner's mother, like many African American mothers became the Democrat's ***Innocent Agents***, much like the Jewish mothers were in Nazi Germany. Both taught their children the "*do's*" and "*don'ts*" to survive in a racist society. In a sworn Affidavit to the court, the Appellant told the court:

> *"When I would hear my mother and Mrs. Ella talk about the racist activities of the south, I would interrupt them and tell them what I would do to those white people if they did that to my mother. My mother would tell me. "Shut up boy. You don't know what you're talking about. Those white folks will kill you." The Democrat-controlled South had taught my mother the necessity of conveying to her children the need to* ***fear*** *whites, and to do so because their lives and future depended on such fear.*
>
> *As a young boy, I can remember how my mother would often whisper when talking to her children about whites. Other times she would have me to check underneath the house to see if whites were listening to our conversations. I was taught that listening to the conversations of blacks while hiding underneath their homes was one of the tactics used by those who wanted to gather information about the person they had planned beat or lynch. This may have been the tactic that whites used to apprehend and murder Emmett Till, the black teenager from Chicago. When the Emmett Till story broke, my mother called all of her children to her side and read a series of stories that appeared in the Pittsburgh Courier newspaper (a national African American publication). I was 10 years old when I learned that an all-white jury set his murderers free. The point was finally driven home for young black men to stay in their place.*

Stories like the murder of Emmett Till and news of lynchings spread like wild fire throughout the black community. As a child, with the mental pictures of blacks being beaten and lynched embedded in my young mind, it was difficult to sleep at night. I feared that these same types of people or the Ku Klux Klan would break into our home and harm me or a family member just like they had harmed Emmett Till and other blacks. ***Every night*** *I would cry until I either cried myself to sleep or until my parents relented and allowed me to sleep with them. Most children were afraid of monsters, I was afraid of the people who wore regular clothes by day and sheets by night. Something the white children never had to worry about. The Democrat's goal of getting black children (like myself) to fear whites and stay in our places – was accomplished before I had reached the age of five.*

It was only after fully learning of the Democrat's long history of racist practices, did I understand why mother raised us as she did. Even up unto the time of my mother's passing on December 28, 2002, she still secured her refrigerator and food cabinets with chains and locks, fearful that whites would come into her home while she was asleep or away and poison her food. I had my deceased mother and other blacks who lived in fear most of their life in mind when I filed this suit."

In his sworn Affidavit the Petitioner went on to share with the court other ways how racism and the ***indoctrination of fear*** personally affected his life, including in the area of employment. The Petitioner told the court:

"In job interviewing situations with white interviewers, mistrust and fear would set in and I could never do my best. Consequently, I was passed over for many jobs that I was more than qualified for. Long term unemployment led to bankruptcy which created a hardship on me and my family. It's hard to explain what it is like to live in ***fear*** *most of your life,* ***fear*** *that was necessary for survival in a racist society;* ***justified***

> ***fear*** *that was based on a pattern of racist practices that were sanctioned by the courts and carried out by a very powerful political organization for over 200 years."*

Professor Nancy Boyd Franklin. Professor Franklin a noted professor of psychology states the following in her book: Black Families In Therapy:

> *"It is difficult to convey fully to someone who has not experienced it, the insidious, pervasive and constant impact that racism and discrimination have on the lives of Black people in America today. Both affect a Black person from birth until death and have an impact on every aspect of family life, from child-rearing practices, courtship, and marriage, to male-female roles, self esteem, and cultural and racial identification. They also influence the way in which black people related to each other and to the outside world.*
>
> *Slavery set the tone for Black people to be treated as inferior. . . . The process of discrimination is evident at all levels of society from theories about genetic inferiority (Jensen, 1969) and cultural pathology (Monynihan1965) to segregation that existed blatantly in the South until the Civil Right era of the 1960s* ***and still occurs in subtler forms today****. There are continued inequities in the United States . . . that are manifested by the disproportionate number of Black people who are poor, homeless, living in substandard housing, unemployed and school dropouts."* p. 81.

CONCLUSION AND SUMMARY

- The Democratic Party ***knew or should have known*** that the aforementioned racist activities were taking place not only in jurisdictions where their elected officials were in charge, but throughout the country as they had intended.

- The Democratic Party ***knew or should have known*** that their elected officials supported and endorsed these racist practices because many of these practices or policies were outlined by their Political Platforms and/or were the themes and promises of their political campaigns.
- The Democratic Party ***knew or should have known*** that their legislative practices and their terrorist tactics were having a negative impact on what the District Court referred to as the *entire African American community* and their children.
- The Democratic Party ***knew or should have known*** that they had the power to put a stop to these practices. Not only did they refuse to stop their racist practices, they neither condemned nor disciplined Democratic officials who encouraged such practices. Instead they praised them as they did with President Andrew Johnson in their 1868 Platform.

From their support of slavery to the last days of Jim Crow (late 1970's), the Respondent's racist policies and practices cost millions their lives (from the Middle Passage thru the Civil War) and negatively affected and altered the lives and future of ***the entire African American community during the past 200 plus years***.

The Supreme Court has twice held in the cases of *Meritor Sav. Bank v. Vinson*, 477 U.S. 57 (1986) and *Harris v. Forklift Systems,* 114 S. Ct. 367 (1993), that Title VII of the 1964 Civil Rights Act prohibits hostile work environments on the basis of race, sex, religion and disabilities. Title VII and First Amendment rulings have covered both the "primary effects" and "secondary effects" of those environments (*Aquilar v. Avis Rent-A-Car System*, 53 Cal.Rptr.2d 599 (Cal. App. 1996)). The Petitioner in this case wants the court to consider the "primary and secondary effects" of the hostile environment created by the

Democratic Party, an environment as in the words of Chief Justice Warren, that *"affects the hearts and minds"* of African Americans *"in a way unlikely ever to be undone?"* The hostile environment created by the Respondents was not only accomplished with legislation and landmark litigations, they also used mutilations, decapitations, dismemberments, lynchings and the beating and burning to death of thousands of African American citizens – all in an effort to keep an entire race of people in their place.

As stated in the Introduction, *racism* in America was politically driven. Without the political backing of those who made up and formed the powerful Democratic Party, a party that spent billions to preserve the institution of slavery and the system of Jim Crow, slavery would have ended 100 years earlier and Jim Crow would have died in the womb of those who conceived it. Contrary to public opinion, racism ***was not*** something that the entire white race engaged in. Racism was the political agenda of a political party – made up of individuals who chose to use this deadly disease to cover their own insecurities – in their relentless quest for wealth and power.

In stipulating that the Petitioner's injuries are the ***same*** injuries inflicted on the ***entire African American community***, only one question should remain. Were the *collective* injuries that were inflicted on the ***entire African American community*** of which the Petitioner is a member, *"concrete"* enough to establish *standing*? The answer should be a resounding, ***yes,*** particularly when you consider all factors in this case including the Respondent's own Political Platforms, records from Congress, the expert opinions of our nation's renowned historians, and the multitude of Civil Rights legislation and landmark cases that were designed to put an end to their racist policies and practices.

In addition to having *standing*, in civil matters under 18 U.S.C. § 610, the courts have decided in *Cort v. Ash*, that a citizen has the right to file a private cause of action through an Injunctive Relief in order to *secure a remedy*. Based on the standards set by *Lujan* and the previous rulings in *Cort v. Ash*, the Petitioner has the legal authorization to file this class action on behalf of himself and the African American citizens of the United States.

RELIEF SOUGHT

The Petitioner humbly requests that the United States Supreme Court overturn the Ninth Circuit's decision and grant the Petitioner the following:

1. That the court order the Respondents to issue a formal public apology to African Americans for the wrong that was committed during the duration of the Respondents' tenure as an organization or political party and in addition to the public apology, we request that the Respondents place the apology on their official website.
2. The Petitioner asks that as an extension to their apology that the Respondents provide funding to fund educational projects depicting all of the historical events and acts that were highlighted in this lawsuit as well as other historical events not mentioned – any and all events that reflect the true relationship between blacks and Democrats from 1792 to 1965. The projects should include and not be limited to: the production of printed materials, short films, featured films and CD's – all to be made available to every American public and private K-12 schools and public libraries at cost (including shipping and handling). We further ask that the Petitioner and the consultants of his choice be paid a consulting fee including traveling and all other related expenses to help produce these educational materials. The consulting fee will be the standard consulting fee for

similar types of educational projects. Under the Civil Liberties Act of 1988 funds to educate the ***public*** of the wrongs that took place was part of the redress.

3. Awarding Petitioner fees and expenses incurred in this action, including reasonable allowance of fees for attorneys and appropriate consultant fees for the research and development of this case and for the previously related case of CV04-2442.

4. Granting such other and further relief as the Court may deem just and proper.

Under the penalty of perjury of the United States the foregoing is true and correct.

Signed this 6th day of February 2007

Respectfully submitted,

WAYNE PERRYMAN

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WAYNE PERRYMAN, on behalf of himself and African American Citizens of the United States, Plaintiff-Appellant, v. DEMOCRATIC NATIONAL COMMITTEE; NATIONAL DEMOCRATIC PARTY, Defendants-Appellees.	No. 05-35890 D.C. No. CV-05-00722-JCC MEMORANDUM* (Filed Dec. 27, 2006)

Appeal from the United States District Court
for the Western District of Washington
John C. Coughenour, District Judge, Presiding

Submitted December 21, 2006**

Before: GOODWIN, WALLACE, and LEAVY, Circuit Judges.

Wayne Perryman appeals pro se from the district court's judgment dismissing his action alleging that the Democratic Party has engaged in systematic racism against African Americans. We review de novo the district

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

court's dismissal for lack of standing, *Barrus v. Sylvania,* 55 F.3d 468, 469 (9th Cir. 1995), and review for abuse of discretion its denial of a motion to reconsider, *School Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.,* 5 F.3d 1255, 1262 (9th Cir. 1993). We affirm.

The district court properly held that Perryman did not have standing to pursue this action because the complaint described historic hardships faced by African Americans without adequately alleging a personal injury to Perryman caused by defendants' conduct. *See Idaho Conservation League v. Mumma,* 956 F.2d 1508, 1513 (9th Cir. 1992) (requiring a plaintiff to allege personal injury that is traceable to defendant and likely to be redressed by a favorable decision).

To the extent Perryman challenges the district court's denial of his motion to reconsider, we reject this challenge because the motion reiterated arguments already rejected by the court and did not present any basis for reconsideration. *See ACandS, Inc.,* 5 F.3d at 1263 (identifying possible bases for reconsideration).

Perryman's remaining contentions are unpersuasive.

AFFIRMED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

WAYNE PERRYMAN,
on behalf of himself and
African American Citizens
of the United States,

Plaintiff-Appellant,

v.

DEMOCRATIC NATIONAL
COMMITTEE; et al.,

Defendants-Appellees.

No. 05-35890
D.C. No. CV-05-00722-JCC

JUDGMENT

(Filed Jan. 22, 2007)

Appeal from the United States District Court for the Western District of Washington (Seattle).

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Western District of Washington (Seattle) and was duly submitted.

On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is **AFFIRMED.**

Filed and entered 12/27/06

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WAYNE PERRYMAN,

Plaintiff,

v.

DEMOCRATIC NATIONAL COMMITTEE, et al.,

Defendants.

CASE NO. C05-722C

ORDER

(Filed Aug 9 2005)

This matter comes before the Court on Plaintiff Wayne Perryman's Amended Motion for Reconsideration (Dkt. No. 19). Plaintiff requests that the Court reconsider its July 22, 2005 Order granting Defendant Democratic National Committee's Motion to Dismiss ("July Order"). The Court has carefully considered the papers submitted by Plaintiff and hereby finds and rules as follows:

Local Rule CR 7(h)(1) provides: "Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence."

Plaintiff argues that this Court should exercise judicial discretion and find that his complaint stated a claim upon which relief could be granted. In dismissing Plaintiff's complaint, the Court did not reach the question of whether Plaintiff satisfied the requirements of Fed. R. Civ. P. 12(b)(6). Rather, the Court dismissed Plaintiff's complaint because he lacks standing. Plaintiff has neither shown that the Court's finding on standing was manifest

error, nor presented new facts or legal authority that could not have been brought to the Court's attention in previous filings. Accordingly, the Court hereby DENIES Plaintiff's Motion for Reconsideration.

SO ORDERED this 9th day of August, 2005.

/s/ John C. Coughenour
UNITED STATES
DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WAYNE PERRYMAN,

Plaintiff,

v.

DEMOCRATIC NATIONAL COMMITTEE, et al.,

Defendants.

CASE NO. C05-722C

ORDER

(Filed Jul 22 2005)

This matter comes before the Court on Plaintiff Wayne Perryman's Response to this Court's Order to Show Cause (Dkt. Nos. 6, 7) and Defendant Democratic National Committee's Motion to Dismiss (Dkt. No. 11). The Court has carefully considered the papers submitted by the parties and hereby finds and rules as follows:

Plaintiff alleges that members of the Democratic Party have engaged in a pattern of overt, systematic racism against African Americans over the past two hundred years in violation of the Civil Liberties Act of 1988 and 42 U.S.C. § 1983. He brings this suit as a class action and seeks certification of a class of living African American citizens. Plaintiff requests various monetary and equitable relief including: (1) the issuance of a formal apology 'for the wrong that was committed during the duration of the Defendants' tenure as an organization or political party"; (2) funding for educational projects depicting all events that "reflect the true relationship between blacks and Democrats from 1792 to 1965" and distribution of these projects to all schools and public libraries in the United States; (3) payment of a consulting fee to Plaintiff

and other consultants of his choice for their work in developing these projects; and (4) fees and expenses incurred in this action and the related case *Perryman v. Democratic National Committee, et al.*, C04-2442P.

On May 10, 2005, this Court issued a Minute Order directing Plaintiff to show cause why the current action should not be dismissed for lack of standing and failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(1) and (6). Without standing, this Court lacks jurisdiction and must dismiss Plaintiff's Complaint. *See Lujan v. Defenders of Wildlife,* 504 U.S. 555, 559-60 (1992). To establish standing, Plaintiff must show: (1) an "injury in fact," (2) causation, and (3) redressability. *Id.* at 560-61. To show he suffered an injury in fact, Plaintiff must establish that the injury is (1) concrete and particularized, and (2) actual or imminent. *Id.* at 560. Derivative and general injuries are not sufficient to satisfy the injury in fact requirement. *In re African-American Slave Descendants Litigation,* 304 F. Supp. 2d 1027, 1047 (N.D. Ill. 2004); *Cato v. United States,* 70 F.3d 1103, 1109-1110 (9th Cir. 1995).

Plaintiff argues that the effect that his fear and mistrust of whites has had on his life constitutes the requisite injury in fact. His mother grew up in the segregated South and was subject to Jim Crow laws. She imparted her fear of whites to him and made it difficult for him to sleep as a child. Plaintiff alleges that this fear continued into his adult years, harming his academic performance and affecting his ability to obtain and retain employment.

These alleged injuries are not sufficient to establish standing. They stem from the injury inflicted on African Americans over two-hundred years ago and affect the

entire African American community. As such, they are derivative and generalized and therefore do not constitute an injury in fact.

The Court finds that Plaintiff has not established that he has standing. Accordingly, the Court hereby GRANTS Defendants' Motion to Dismiss.

SO ORDERED this 22nd day of July, 2005.

/s/ John C. Coughenour
UNITED STATES
DISTRICT JUDGE

United States District Court
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WAYNE PERRYMAN,

Plaintiff,

v.

DEMOCRATIC NATIONAL COMMITTEE, ET AL.,

Defendants.

JUDGMENT IN A CIVIL CASE

CASE NUMBER: C05-722C

___ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

_X_ **Decision by Court.** This action came to consideration before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

Defendant's Motion to Dismiss (Dkt. No. 11) is GRANTED. This case is DISMISSED without prejudice.

Dated this _22nd_ day of _July_, 2005.

BRUCE RIFKIN
Clerk

/s/ L. Simle
Deputy Clerk

U.S. Constitution: Fourteenth Amendment

Fourteenth Amendment – Rights Guaranteed Privileges and Immunities of Citizenship, Due Process and Equal Protection

Amendment Text | Annotations

Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

(3)

No. 06-1107

Supreme Court, U.S.
FILED
APR 3 - 2007
OFFICE OF THE CLERK

In The

Supreme Court of the United States

WAYNE PERRYMAN ON BEHALF OF HIMSELF AND THE AFRICAN AMERICAN CITIZENS OF THE UNITED STATES,

Petitioner,

v.

DEMOCRATIC NATIONAL COMMITTEE AND NATIONAL DEMOCRATIC PARTY,

Respondents.

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Ninth Circuit

SUPPLEMENTAL BRIEF

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The Audacity of Hope by Senator Barack Obama 4

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SUPPLEMENTAL BRIEF FOR CASE NO. 06-1107

CONSTITUTIONAL PROVISIONS

This case is submitted under the provisions of the Constitution of the United States Fourteenth Amendment's Equal Protection Clause and Due Process Clause.

SUPREME COURT RULE 15.8 & NEW COURT DECISIONS

After submitting his *Writ of Certiorari* and after further research, the *Pro Se* Petitioner discovered two recent cases decided by this very court that present a different view of what the court considers as "*an injury in fact*." Because of this *new* information, the Petitioner is submitting this Supplemental Brief under Rule 15.8.

In previous court appearances, the Respondents failed to acknowledge that decisions regarding *standing* have varied as much as the diversity on the bench, and in ***recent*** cases involving Justices Breyer, Ginsburg, Stevens and Kennedy, the interpretation of what constitutes "*an injury in fact*" has varied as well. For instance, in the case of the *Federal Election Commission v. Akins*, (96-1590) 101 F.3d 731 (D.C. Cir. 1996), the Defendants argued that the Plaintiffs did not have *standing* because none had suffered "*an injury*." However in the majority opinion, issued by Justice Breyer, the court decided that Plaintiffs did have *an injury in fact* and therefore ***standing***, citing that the *denial of any information which is statutorily required to be provided to citizens by the government* constitutes *an injury in fact*.

SUPPLEMENT BRIEF ARGUMENTS

The court determined that even though the grievance in the *Federal Election case* was a ***generalized grievance*** (much like the lower court's claim in this case), the "***harm***" was concrete enough to overcome the Defendants' arguments.

In the case of *Friends of the Earth, Inc., et al. v. Laidlaw Environmental Services (TOC), Inc.*, (98-822) 528 U.S. 167 (2000), Justices Ginsburg, Stevens and Kennedy all agreed that contrary to the arguments presented by *Laidlaw*, the Plaintiffs in the *Friends of the Earth case* were also injured. The court was convinced that the Plaintiff's "*reasonable concerns about the effects of the Defendant's pollutant discharges, directly affected the affiant's recreational, aesthetic and economical interest.*" See, e.g., *Sierra Club v. Morton*, 405 U.S. 727, 735 (1972). The court felt the affidavits submitted by the Plaintiffs presented dispositively more than the mere "*general averment*" and "*conclusory allegations*" found inadequate in *Lujan v. National Wildlife Federation,* 497 U.S. 871, 888 (1990) or as the "*some day intentions*" to visit endangered species in various locations, was insufficient in the *Defenders of Wildlife*, 504 U.S. at 564.

In one case, the Supreme Court granted *standing* simply because the Plaintiff was denied information that he or she was entitled to (*Federal Election Commission* case), and in the other case, the court granted *standing* because the court believed the Constitution allows citizens who choose not to fish or swim in a stream because of *reasonable concerns about illegal pollution* also constitutes *an injury in fact* (*Friends of the Earth* case).

To compare the cases cited above with the current case where:

- An entire race of people (of which the Petitioner is a member) was tortured, terrorized and forced to live in fear for over 200 years because of beatings, lynchings, assassinations, and intimidations.
- A case where an entire race of people was forced to live in an environment where constitutional rights were denied, due process was ignored and a quality education was merely a dream.
- And a case where a race of people was forced to endure injustice while several pieces of racist legislation were passed against them as they watched impatiently while that same political party **vehemently** opposed several pieces of legislation that were introduced on behalf of them.

If it is determined that all of the above do not constitute "*an injury in fact*," such a decision would be viewed as an insult to the entire race and a travesty of justice, particularly when you weigh the fact that the same court gave an ***injury status*** and ***standing*** to a group that chose not to swim or fish in polluted waters and to another small group that was simply denied some information.

As the court can tell, this current case is not about not being able to fish or swim or because of *polluted waters* nor is it about being *denied information* because of a membership with a particular political organization. It is about:

- The *denial of constitutional rights* because you were a ***member*** of the *African American community*.

- It is about not having a choice but being forced to live in a *polluted Jim Crow environment* for over 200 years, an environment 100 times worse than the conditions at the Abu Ghraib and Guantanamo Bay prisons.

- It is about Jim Crow pollutions of racism that ***infected*** the entire nation and ***affected*** and ***harmed*** the *entire African American community* in a variety of ways, i.e., mentally, physically, emotionally, and economically.

In his book, The Audacity of Hope, Senator Barack Obama draws a connection between the Respondent's Jim Crow era, and issues involving **today's** inner city teenage parents and what he refers to as the: "*fifteen-year-old young men with a harrowing rap sheet, the shame of men who could not protect their women and support their families and children who grew up being told they wouldn't amount to anything.*" He describes these individuals: " . . . *As those who didn't make it out of history's confinement, of neighborhoods within the black community that house the poorest of the poor, serving as repositories for all the* ***scars of slavery and violence of Jim Crow****. . . .*" p. 252. According to historians, the number of blacks that died from the institution of slavery and Jim Crow, far exceeded the millions of Jews that died in the holocaust. Both incidents were triggered by ***racism*** and both amounted to mass murder. It was the Respondent that fought and gave their lives to maintain the institution of slavery and it was the Respondent that introduced legislation to establish the system of Jim Crow.

For over two hundred years, the Respondent found ways to use this very court and the law to enslave us, beat us, terrorize us and to murder us and now they are using

this same court and the law to keep from apologizing to us. African Americans often wondered: ***How could a political group be so cold, so cruel, so calloused and so inhumane? How could they stand by and watch others suffer and rejoice because of their suffering? How could they brutalize an entire race of people and destroy millions of lives and then hire attorneys so they wouldn't have to apologize? How could the courts and the law allow the Respondent to get away with these horrific acts of terror under the so-called letter of the law? Is the court so insensitive that it can't see right and wrong? Is the law so inflexible that it cannot hold those accountable for their immoral acts and wrongful deeds?***

It was under the *letter of the law* that the constitutional rights of blacks were denied and now it is under the *letter of the law* regarding the issue of *standing* that a formal apology is being denied. Alexander Solzhenitsyn said it best during his speech to Harvard in 1978. In that speech he spoke about the cold insensitive impact of the *letter of the law* and the moral mediocrity that it produces. He told the Harvard students that:

- *"Western society has given itself the organization best suited to its purposes, based, I would say, on the letter of the law. . . . People in the West have acquired a considerable skill in using, interpreting and manipulating law, even though laws tend to be too complicated for the average person to understand . . . . Any conflict is solved according to the letter of the law and this is considered to be the supreme solution. If one is right from a legal point of view, nothing is more required, nobody may mention that one could*

> *still be entirely right, and urge self-restraint, a willingness to renounce such legal rights, sacrifice and self-restraint, it would sound simply absurd. . . . A society which is based on the letter of the law and never reaches any higher is taking very scarce advantage of the higher level of human possibilities. The letter of the law is too cold and formal to have a beneficial influence on society. When ever the tissue of life is woven of legalistic relations, there is an atmosphere of moral mediocrity, paralyzing man's noblest impulses. . . ."*

In regards to the letter of the law, the court should be reminded that the rules on "***standing***" and the "***injury in fact***" doctrines originated from the *common law systems of writs*, and were intended to only apply to claims brought against the government (and its agencies) for violations of the Constitution (according to The Oxford Companion to the Supreme Court of the United States, pp. 956-958). Since that time, for reasons unknown, other courts have expanded the application of these doctrines to include other types of claims. *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992), and the *African American Slave Descendant* case, two cases that the Respondents often cite to support their arguments on *standing*, were suits brought against the government and its agencies and therefore necessitated *standing* according to the original intent of the law. It should be noted that unlike *Lujan* and the *African American Slave Descendant* case, this case does not involve claims against the government or any of its agencies.

The Petitioner also recognizes that because the current sitting justices were appointed by various Republican and Democratic administrations, the court may not be

comfortable deciding a case that involves a political party with which they may or may not be allied. Like many Defendants in controversial political cases, the Respondents are hoping that rather than a decision on the merits, the court will, as many have in the past, avoid the controversy by using the doctrine *of* "***standing***" as a surrogate for its decision or invoke the "***prudential***" dimensions of "***standing***" to accomplish the same. However the court must realize that as controversial as this case may be, our nation's citizens (both black and white) have waited patiently since the ending of the Civil War for this matter to be resolved. This case is not about partisan politics nor is it intended to inflict harm on the Democratic Party. It is about addressing a wrong that is long overdue and holding those accountable who committed this wrong.

For years African Americans struggled with the "***three-fifths***" clause of the Constitution, which basically said blacks were only "***three-fifths***" of a person. Next they had to deal with the court's *Dred Scott decision* that classified blacks as property but not as people. And now they are dealing with arguments claiming that their collective sufferings and injuries during the past 200 plus years do not add up to an ***injury in fact***.

In the current case, both the Appellate Court and the District Court decided that the Petitioner did not have *standing* even though both courts stipulated that Petitioner had been ***injured*** and his:

- ***Injury stem from the injury <u>inflicted</u> on <u>all</u> African Americans over two-hundred years ago and <u>affect</u> the <u>entire</u> African American community.***

The court has consistently overlooked the fact that this case was filed as a class action on behalf of the "*entire African American community,*" a class that according to the court had been "***injured***" and "***affected***" by such ***injuries***. As a member of that "*injured*" class the Petitioner filed this action seeking to obtain an apology on behalf of the *entire African American community* in accordance with the decision in *Cort v. Ash*, 422 U.S. 66 (1975), which gives a member of the class the legal authorization to file for an Injunctive Relief under 18 U.S.C. § 610 (see *Texas & Pacific R. Co. v. Rigsby*, 241 U.S. 33, 39 (1916)).

CONCLUSION

For years, our nation and the entire white race have been wrongfully labeled and branded as racist because of the deeds of one political organization. It was this powerful organization that passed legislation, sponsored litigation and formed terrorist organizations to harm African Americans. It is time to stop the ***blame game*** and place the responsibility on the one group that sponsored the most racist political agenda that our nation has ever known – and that group is the Democratic Party; a political organization that has never apologized nor have they ever attempted to apologize for the 200 years of atrocities that they committed against an entire race of people.

If the Court can find that denial of information in the *Federal Election Commission* case constitutes an ***injury in fact*** and that the polluted waters of a stream that ***could possibly affect*** the recreational, the aesthetic and the economic interest of fishermen and swimmers also constitutes an ***injury in fact*** (in the case of *Friends of the*

Earth), the Court must find that the Respondents' collective racist activities during the past 200 years (which according to the lower court ***have affected*** and ***injured*** the Petitioner and the *entire African American community*), is an "*injury in fact*" as well.

Because of the new case law presented in this Supplemental Brief along with the facts presented in the original brief, the Petitioner humbly and respectfully requests that the court grant his **Petition for Writ of Certiorari**.

Presented on this 3rd day of April 2007.

By:

WAYNE PERRYMAN,
Pro Se Petitioner

MOTION FILED

MAR 12 2007

No. 06-1107

IN THE

Supreme Court of the United States

WAYNE PERRYMAN ON BEHALF OF HIMSELF AND THE AFRICAN AMERICAN CITIZENS OF THE UNITED STATES,
Petitioner,

v.

DEMOCRATIC NATIONAL COMMITTEE AND NATIONAL DEMOCRATIC PARTY,
Respondents.

On Petition For A Writ Of Certiorari To The United States Court of Appeals For The Ninth Circuit

MOTION OF NATIONAL BLACK REPUBLICAN ASSOCIATION AND FRANCES P. RICE FOR LEAVE TO FILE A BRIEF OF AMICI CURIAE IN SUPPORT OF PETITIONER

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QUESTION PRESENTED

Whether, notwithstanding the Ninth Circuit's determination that the Petitioner lacks *standing* to file a private cause of action in a civil matter to secure a remedy under 18 U.S.C. § 610 for the injuries inflicted on African Americans by the Respondents, the Petitioner should be granted injunctive relief as a matter of equity and in the interest of fairness.

IN THE

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No. 06-1107

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MOTION OF NATIONAL BLACK REPUBLICAN ASSOCIATION AND FRANCES P. RICE FOR LEAVE TO FILE A BRIEF OF AMICI CURIAE IN SUPPORT OF PETITIONER

Amici[1] move pursuant to Supreme Court Rule 37(2)(b) for leave to file the accompanying *amici curiae* brief before the Court in support of Petitioner for a writ of certiorari. *Pro Se Litigant* Petitioner Wayne Perryman has consented. Counsel for Respondents is not available. David J. Burman of Perkins Cole, LLP, informed amici that he is no longer counsel for the Respondents and does not know of any other counsel who has been retained by Respondents for Case No. 06-1107.

[1] Pursuant to Rule 37.6, this brief was not authored in whole or in part by counsel for a party, and no person or entity, other than *amici curiae*, has made a monetary contribution to the preparation or submission of this brief.

STATEMENT OF INTEREST OF AMICI

Amicus NATIONAL BLACK REPUBLICAN ASSOCIATION (NBRA) is a 501 (c)(4) non-profit, social services organization that was created in 2005 and is dedicated to improving the lives of African Americans through economic and political empowerment. The goal of the NBRA is to enlighten African Americans about their political history so that they can seize control over their own destiny, stop having their vote taken for granted and hold politicians accountable for the content of their policies, not the label of their party. To implement a solution to the blighted conditions in urban America, the NBRA seeks to first encourage African Americans to acknowledge the root causes – bad individual choices and the culture of dependency that permeates urban communities. These two factors are the result of four decades of African Americans being convinced that they are "victims" who cannot succeed without government subsidies, the essence of Socialism. The antidote to Socialism is Capitalism. Capitalistic principles include: (1) using the free market to marshal capital for community revitalization, (2) establishing government/private sector partnerships to provide job and self-sufficiency training for individuals related to gainful employment, and (3) empowering law enforcement to aggressively control street crime. Such actions require a change in the political leadership in urban communities, from liberal to conservative, as was done in New York City. Given the reality of America's political system where the majority rules, political decisions made by a majority vote determine the economic progress, decline or stagnation of urban communities. Since America has, in essence, a two-party system, it is of prime importance which political party controls the decision-making process in our urban communities. In general, liberals identify with the Democratic Party, and conservatives identify with the Republican Party. However, in urban communities, conservative African Americans identify with the liberal Democratic Party. In those communities, liberal Democrats maintain control each election cycle by: (1) putting on a conservative "mask;" (2) offering no solutions to the deplorable conditions created by the Democratic

Party's socialist policies; (3) demonizing the Republican Party by falsely claiming that the Republican Party is a party of "rich, white racists" who "disenfranchise" African Americans; (4) blaming Republicans for the deplorable conditions in the urban communities that are run by the Democrats; and (5) inciting African Americans to cast a protest vote against Republicans, not a vote for Democrats. The NBRA is uniquely situated to be an agent for changing the political dynamics in urban communities. The NBRA is planning to host economic forums in urban communities, using as an example the successful economic transformation of an urban community in Sarasota, Florida. The theme of the forums will be: The Pathway to Prosperity – Republican Party Principles in Action. The forums are designed to demonstrate that the Republican Party's platform of strong families, personal responsibility, getting a good education and ownership of homes and small businesses lead to prosperity. Also presented will be the fact that the Democratic Party's policies of Socialism lead to dependency on government handouts and generational poverty. An essential element of the forums will be information about the political history of African Americans, highlighting the fact that it was Republicans, not Democrats, who championed freedom and civil rights for African Americans since the inception of the Republican Party in 1854 as the anti-slavery party. A focus of the NBRA's activities is the achievement of the organization's mission which is bringing African Americans back to what has always been their natural and traditional home, the Republican Party.

Amicus FRANCES P. RICE is the chairman and a co-founder of the NBRA. She is a retired lawyer and retired Army Lieutenant Colonel who, after twenty years of active duty in the military, received the Legion of Merit, the highest medal that can be awarded to a non-combatant.
While on active duty, she served, among other duties, as the commander of a Women's Army Corps company, adjutant of a basic combat training brigade and special assistant to the Army Judge Advocate General. She has been active in the Republican Party since 1962 while she was still in high school and during the modern civil rights era of the 1960's. Colonel Rice's great-grandparents were

slaves, and she spent her formative years in the segregated South during the 1940's, 1950's and 1960's. She was born in Grady Memorial Hospital in Atlanta, Georgia, the same hospital where Dr. Martin Luther King, Jr. was born. From time to time, she attended Ebenezer Baptist Church where Dr. Martin Luther King, Sr. was the pastor and participated in civil rights protests inspired by Dr. Martin Luther King, Jr. She observed Georgia Democrat Governor Lester Maddox as he brandished ax handles to prevent African Americans from patronizing his restaurant. With horrified dismay, she watched the television images of Alabama Democrat Public Safety Commissioner "Bull" Connor in Birmingham as he let loose vicious dogs and turned fire hoses on African American civil rights demonstrators. She saw on television how Arkansas Democrat Governor Orval Faubus stood in the doors of the Little Rock Central High School and blocked the entrance of African American students in defiance of the United States Supreme Court's *Brown v. Board of Education* decision declaring that the "separate but equal" doctrine for America's educational system was unconstitutional. She became aware through television images of how Alabama Democrat Governor George Wallace stood in front of an Alabama schoolhouse in 1963 and thundered, "Segregation now, segregation tomorrow, segregation forever." She experienced first hand the debilitating effects of the segregationist policies and practices of the Democratic Party. At the tender age of eight while she was walking to her elementary school only a few blocks from the dilapidated two-room shack that was her home, she was spat upon and called a "Nigger" by a group of Democrats who were passing by in a car. At the age of twelve, she was forced to run and hide in a nearby store when she was approached menacingly on a public
street by members of the Ku Klux Klan who were Democrats dressed in white robes and hoods. She suffered the indignity of being forced to attend poorly-funded segregated schools, sit in the back of public transportation buses and sit in segregated balconies of movie theaters. She was precluded from using public facilities, including rest rooms and water fountains, by displays of shameful signs marked "For Whites Only." She recalls the deep sense of outrage and humiliation she felt when she frequently viewed a sign in a public park not far from her

home that read: "Niggers and Dogs Not Allowed." At the age of thirteen, she witnessed her family of six being torn asunder after her father became unemployed due to the racist practices of the Democrats and, under the welfare system established by Democrats, public financial assistance could not be provided if her father stayed with the family. For the loss of her family life, she still grieves. The welfare system set in motion a cycle of generational poverty that still plagues a branch of her family today where single mothers subsist on government handouts. When Colonel Rice became eligible to vote, she was blocked at the door of the Atlanta city hall by a Democrat who wanted to prevent her from registering to vote because she was a Republican, as were most African Americans at that time, including Dr. Martin Luther King, Jr. At great risk of physical harm, she pushed her way into the government building and boldly registered to vote. She was aware of numerous African Americans who were brutalized by Democrats and lived in fear because those Democrats who occupied positions of power, including governors, mayors, judges and sheriffs, would never be prosecuted for their brutality. In the early 1970's, while she was serving her country in uniform and walking on a street in Democratic Party-controlled San Francisco, California, she was spat upon and called a "baby killer." As an African American woman who was personally and irreparably harmed by the racist and socialist practices of the Democratic Party, she represents herself in supporting Wayne Perryman on behalf of himself and the African
American Citizens of the United States' appeal to this Court.

SUMMARY OF ARGUMENT

As a matter of equity and in the interest of fairness, the Court should order a permanent injunction requiring the Respondents to issue a formal apology for the irreparable injury suffered by the Petitioner at the hands of the Respondents.

An apology by the Respondents would be in keeping with the action by the North Carolina Democratic Party that issued a unanimous apology on January 20, 2007 for the

Democratic Party's 1898 murderous rampage against African Americans in Wilmington, North Carolina. The apology came as a result of the 1898 Wilmington Race
Riot Commission Report which determined that the Democratic Party was ***solely*** responsible for the 1898 race riot and was submitted on May 31, 2006.

ARGUMENT

A. Since The Petitioner Meets The Four-factor Equity Test, Injunctive Relief Should Be Granted.

Principles of equity that are well-established provide for the Petitioner to receive a permanent injunction by the Court because the Petitioner meets the four-factor test: (1) the Petitioner has suffered an irreparable injury at the hands of the Respondents; (2) the remedy of monetary damages available at law are inadequate to compensate for that injury; (3) considering the balance of hardships between the Petitioner and the Respondents, a remedy in equity is warranted; and (4) the pubic interest would not be disserved by a permanent injunction. See, *e.g.*, *Weinberger* v. *Romero-Barcelo,* 456 U. S. 305, 311.313 (1982); *Amoco Production Co.* v. *Gambell,* 480 U. S. 531, 542 (1987).

B. A Formal Apology was Issued by The Democratic Party in North Carolina

The historic apology, issued unanimously on January 20, 2007 by the North Carolina Democratic Executive Committee, composed of over 700 party leaders and activists from 100 counties, resulted from the1898 Wilmington Race Riot Commission Report of May 31, 2006. The report concluded that the Democratic Party was ***solely*** responsible for the 1898 murderous rampage against African Americans. That reign of terror led to the Democratic Party takeover from Republicans, mainly African American Republicans, who controlled the City of Wilmington during the period known as Reconstruction. See the report, which was commissioned by the state of North Carolina and contains the gruesome details about the killing of African Americans and the usurping of

governmental powers by the Democratic Party, on the Internet at: www.ah.dcr.state.nc.us/1898-wrrc/.

If the North Carolina Democratic Executive Committee can formally apologize for the 1898 Wilmington Race Riot inflicted upon African Americans, is there a reason why the Respondents should not formally apologize for all of the other atrocities and harm inflicted upon African Americans by the Respondents, specifically for the period 1792 to 2002 as identified by the Petitioner?

CONCLUSION

The *Amici* humbly request that the United States Supreme Court reverse the decision of the Ninth Circuit and grant the Petitioner injunctive relief as a matter of equity and in the interest of fairness.

Under the penalty of perjury of the United States the foregoing is true and correct.

Signed this 12th day of March 2007.

Respectfully submitted,

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In Pro Se